IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

CRL.A.No. 786 of 2000()

CC.176/1998 of CHIEF JUDICIAL MAGISTRATE COURT, KOTTAYAM DT.18.5.2000

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APPELLANT: COMPLAINANT

ABRAHAM JESUS, KADIANTHURUTHIL HOUSE,
THRIKOTHAMANGALAM P.O.,
ERAVINALLOOR KARA,
PUTHUPPALLY, KOTTAYAM

BY ADV. SRI.P.K.BALAKRISHNAN NAIR
SRI.V.K.SUNIL

RESPONDENTS: ACCUSED

1. **C.K.PUNNOOSE, S/O. PUNNOOSE KURIAN**
   CHAKALAKUZHIYIL,
   NEAR NJANDUKULAM BRIDGE
   ERICADU KARA, PUTHUPPALLY,
   (VETTATHU KAVALA VIA)

2. **STATE OF KERALA, REP.BY**
   THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.DILIP

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO.786 of 2000

DATED THIS THE 20th DAY OF JUNE 2007

JUDGMENT

The appellant is the complainant in C.C.No. 176/98 in the file of the Chief Judicial Magistrate Court, Kottayam. The complaint was filed under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the appellant that on the particular day, he happened to be absent on account of wrong noting of the posting date. In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on its merits. The appellant shall appear before the court below on 30-7-2007. The court below shall issue fresh summons to the accused. The appeal is allowed.

K.R. UDAYABHANU, JUDGE

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K.R. UDAYABHANU,J.

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CRL.A.NO. 786 of 2000

JUDGMENT

20-6-2007

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